

Message Text

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PAGE 01 STATE 030195

ORIGIN OES-06

INFO OCT-01 EUR-12 ISO-00 L-03 PM-04 DODE-00 NSF-01 COME-00
/027 R

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-----100648Z 120067 /22

R 100136Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA
INFO AMCONSUL VANCOUVER

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E.O. 11652: N/A

TAGS: OCLR, TGEN, TPHY, CA

SUBJECT: R/V SNOW GOOSE CLEARANCE; FISHERIES RESEARCH

REF: A. OTTAWA 407 NOTAL; B. STATE 1747

1. EMBASSY IS REQUESTED TO RESPOND BY DIPLOMATIC NOTE
TO EXTAFF NOTE REF A. SUBSTANCE OF RESPONSE FOLLOWS:

U.S. AUTHORITIES HAVE RECEIVED WITH PLEASURE THE NOTIFICA-
TION THAT A LICENSE WILL BE ISSUED FOR THE PROJECTED
RESEARCH OF THE RESEARCH VESSEL SNOW GOOSE, UNDER CHARTER
TO THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRA-
TION, FOR FISHERIES RESEARCH IN THE STRAIT OF JUAN DE
FUCA DURING THE PERIOD FEBRUARY 21-25, 1977. AS RE-
QUESTED, THE LICENSE WILL BE PICKED UP IN VANCOUVER
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PAGE 02 STATE 030195

BEFORE CONDUCTING THE RESEARCH.

IN THIS CONNECTION, IT IS NOTED THAT THE PROPOSED
RESEARCH IS ENTIRELY WITHIN AN AREA IN WHICH CANADA
EXERCISES JURISDICTION OVER FISHERIES RESEARCH, BY ANY
STANDARDS. HOWEVER, IT IS NOTED THAT THE UNITED STATES
CONSIDERS FISHERIES RESEARCH TO BE SCIENTIFIC RESEARCH

WHICH IS A PROTECTED FREEDOM OF THE HIGH SEAS. ACCORD-
INGLY, IT CAN NOT BE EXPECTED THAT THE UNITED STATES

WILL SEEK A CANADIAN CLEARANCE OR A LICENSE FOR FISH-
ERIES RESEARCH BEYOND TWELVE NAUTICAL MILES OF THE BASE-
LINE FROM WHICH THE TERRITORIAL SEA IS MEASURED. NOR
WILL THE UNITED STATES EXPECT THAT A CLEARANCE OR PERMIT
IS NECESSARY FOR FISHERIES RESEARCH BEYOND THE TERRI-
TORIAL SEA OF THE UNITED STATES. THE UNITED STATES
EXPECTS THAT CANADIAN AND AMERICAN FISHERY SCIENTISTS
WILL CONTINUE THEIR CLOSE COOPERATION ON FISHERIES
RESEARCH OF MUTUAL CONCERN.

2. FYI: THE U.S. FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976 SPECIFICALLY EXCLUDES SCIENTIFIC RESEARCH
ACTIVITY WHICH IS CONDUCTED BY A SCIENTIFIC RESEARCH
VESSEL. DEPT. IS CURRENTLY WORKING ON GUIDELINES TO
DIFFERENTIATE BETWEEN FISHERIES RESEARCH AND ACTIVITIES
WHICH ARE NOT CONSIDERED TO BE SCIENTIFIC RESEARCH,
SUCH AS TESTS OF FISHING GEAR, AND HENCE WHICH REQUIRE
A PERMIT UNDER THE ACT. IF ASKED, EMBASSY MAY INDICATE
THAT WE EXPECT SHORTLY TO BE ABLE TO INDICATE MORE
PRECISELY ACTIVITIES CONSIDERED TO BE FISHERIES RESEARCH
AND ACTIVITIES CONSIDERED TO BE FISHING. END FYI.
VANCE

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